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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/023,117

12/17/2001

Bernardo De Oliveira Kastrup Pereira

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12/29/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

ELLIS, RICHARD L

ART UNIT

PAPER NUMBER

2183

MAIL DATE

DELIVERY MODE

12/29/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/023,117	Applicant(s) DE OLIVEIRA KASTRUP PEREIRA ET AL.	
	Examiner Richard Ellis	Art Unit 2183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 is/are allowed.
- 6) ☒ Claim(s) 6-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2183

1. Claims 1-20 remain for examination.
2. The following is a quotation of the appropriate paragraphs of 35 USC § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
3. Claims 6-20 are rejected under the principles of *Res judicata*. Claims 7-20 are unchanged from the decision by the Board of Patent Appeals and Interferences, mailed July 13, 2009, affirming rejection of claims 7-20 over the Abbott reference. Claim 6, although amended in applicant's amendment received September 14, 2009, is not patentably distinct from claim 6 as affirmed by the Board of Patent Appeals and Interferences. The sole change to claim 6 is changing the final clause from "outputting ... to a destination identified in the ... instruction" to "outputting ... to a destination register identified in the ... instruction". As it was shown in the examiner's answer to appeal mailed November 14, 2007 that Abbott output to a destination register, the claim is not patentably distinct from that affirmed by the Board of Patent Appeals and Interferences.
4. Claims 6-20 are rejected under 35 USC § 102(b) as being clearly anticipated by Abbott, U.S. Patent 6,006,321. Pages 19-22 of *Computer Organization, second edition* by V. Carl Hamacher et al. (1984) are further cited as a showing of what was known as inherent in the CPU instruction processing art.

Abbott and Hamacher et al. were cited as a prior art references in the examiner's answer to appeal, mailed November 14, 2007.
5. The rejections of claims 6-20 are respectfully maintained and incorporated by reference as set forth in the examiner's answer to appeal, mailed November 14, 2007. Applicant having made no change to claims 7-20, and only a minor patentability non-distinct change to claim 6, these claims remain anticipated by Abbott as decided by the decision of the Board of Patent Appeals and Interferences.

Art Unit: 2183

"a Board decision in an application is the 'law of the case,' and is thus controlling in that application and any subsequent, related application." MPEP 706.07(h)(XI)(A)

6. Applicant's arguments filed September 14, 2009 have been fully considered but they are not deemed to be persuasive as regards claims 6-20 due to claims 6-20 being patentably non-distinct or identical to those claims reviewed by the Board of Patent Appeals and Interferences.
7. Claims 1-5 as amended September 14, 2009 are allowable over the prior art of record. The amendment of September 14, 2009 inserted a "direct" output to a destination register limitation into claims 1-5. The word "directly" in the claims is being interpreted as adverb meaning #2 from the attached Yahoo! Education dictionary as meaning "Without anyone or anything intervening".
8. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 USC 133, MPEP 710.02, 710.02(b)).
9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Richard Ellis whose telephone number is (571) 272-4165. The Examiner can normally be reached on Monday through Thursday from 7am to 5pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Eddie Chan, can be reached on (571) 272-4162. The fax phone number for the USPTO is: (703)872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

/Richard Ellis/
Primary Examiner, Art Unit 2183
December 11, 2009